

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Gabino Genao,

Plaintiff,

20-CV-10563 (GBD) (VF)

-against-

ORDER

Rivera et al.,

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge:

Defendants are directed to respond to the argument raised by Plaintiff in his Opposition to the Defendants' Motion to Dismiss contending that the addition of new defendants was not time barred because he sought leave to amend his complaint within the statute of limitations. See ECF No. 73 at 2. Plaintiff filed the relevant letter on September 15, 2022. See ECF No. 34.

Assuming the statute of limitations had not run at the time of Plaintiff's request (see ECF No. 34), Defendants are directed to address why the statute of limitations was not tolled between the time of the request on September 15, 2022, and when leave was granted on February 1, 2023. See ECF No. 41. In particular, Defendants should address whether, given Plaintiff's pro se status, he was required to include a proposed supplemental summons and amended complaint with his letter at ECF No. 34. **Defendants are directed to submit their response by Thursday, May 30, 2024.**

SO ORDERED.

DATED: New York, New York
May 22, 2024



VALERIE FIGUEREDO
United States Magistrate Judge